

Appl. No. 09/306,197

Request for Clarification and Withdrawal of PTO paper dated December 27, 2004

APPENDIX

This Appendix presents the claims as amended in the September 24, 2004 Amendment that accompanied the RCE filed herein:

Amendment to the Claims:

The listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claim 1 (currently amended): A An isolated promoter comprising the following DNA (a) or (b), characterized in that it is capable of functioning in plant cells:

(a) DNA comprising the nucleotide sequence shown in SEQ ID ~~No:1~~ NO:1, or

(b) DNA comprising

a nucleotide sequence in which one or more bases are deleted, substituted, or added in the nucleotide sequence shown in SEQ ID ~~No:1~~ NO:1, and

which has more than 90% identity to the nucleotide sequence of any region consisting of 250 bp or more within the nucleotide sequence shown in SEQ ID ~~No:1~~ NO:1,

which contains the nucleotide sequence shown in SEQ ID ~~No:24~~

NO:24, and

which hybridizes to the nucleotide sequence shown in SEQ ID NO:1 under conditions that include washing in 300 mM sodium chloride, 30 mM sodium citrate, and 1% SDS at 55°C.

wherein said DNA has promoter functions equivalent to those of the above DNA (a).

Claim 2 (currently amended): A terminator comprising the following DNA (a) or (b), characterized in that it is capable of functioning in plant cells:

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- (a) DNA comprising a nucleotide sequence shown in SEQ ID ~~No:2~~ NO:2, or
- (b) DNA comprising a nucleotide sequence in which one or more bases are deleted, substituted, or added in the nucleotide sequence shown in SEQ ID ~~No:2~~ NO:2 and which has more than 90% identity to the nucleotide sequence of any region shown in SEQ ID ~~No:2~~ NO:2, wherein said DNA has terminator functions equivalent to those of the above DNA (a).

Claim 3 (currently amended): ~~An isolated~~ A chimeric gene comprising ~~[[a]] an~~ isolated promoter of claim 1 and a desired coding sequence operatively linked to each other.

Claim 4 (currently amended): A chimeric gene comprising ~~[[a]] an isolated~~ promoter of claim 1, a desired coding sequence, and a terminator ~~of claim 2 that is~~ capable of functioning in plant cells operatively linked to each other.

Claim 5 (canceled).

Claim 6 (previously presented): A vector characterized in that it contains a promoter of claim 1 and a desired coding sequence.

Claim 7 (currently amended): A vector characterized in that it contains a promoter of claim 1, a desired coding sequence, and a terminator ~~of claim 2 that is~~ capable of functioning in plant cells.

Claim 8 (previously presented): A method of producing a transformant comprising introducing into a host cell any one of a promoter of claim 1, a chimeric gene of claim 3 or 4, or a vector of claim 5 or 6.

Claim 9 (previously presented): A non-human transformant comprising any one of a promoter of claim 1, a chimeric gene of claim 3 or 4, or a vector of claim 5 or 6 introduced into a host cell.

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Claim 10 (previously presented): A transformant of claim 9 in which the host cell is a microbial cell or a plant cell.

Claim 11 (original): A method of expressing a gene, characterized in that it comprises a step in which a promoter of claim 1 and a desired gene located downstream from said promoter are placed in a host cell, and step in which the desired gene is expressed in the host cell under the control of said promoter.

Claim 12 (original): A method of expressing a gene, characterized in that it comprises a step in which a terminator of claim 2 and a desired gene located upstream from said terminator are placed in a host cell, and a step in which the desired gene is expressed in the host cell under the control of said terminator.

Claim 13 (currently amended): ~~A~~ An isolated promoter capable of functioning in plant cells in accordance with claim 1, wherein the promoter comprises the DNA (a).

Claim 14 (currently amended): ~~A~~ An isolated promoter capable of functioning in plant cells in accordance with claim 1, wherein the promoter comprises the DNA (b).

Claim 15 (new): A vector characterized in that it contains an isolated promoter according to claim 1.

Claim 16 (new): An isolated promoter comprising the following DNA (a) or (b), characterized in that it is capable of functioning in plant cells:

(a) DNA comprising the nucleotide sequence shown in SEQ ID No:1 NO:1, or

(b) DNA comprising

a nucleotide sequence in which one or more bases are deleted, substituted, or added in the nucleotide sequence shown in SEQ ID No:1 NO:1, and

which contains the nucleotide sequence shown in SEQ ID No:24

NO:24, and

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which hybridizes to the nucleotide sequence shown in SEQ ID No. 1
NO:1 under conditions that include washing in 300 mM sodium chloride,
30 mM sodium citrate, and 1% SDS at 55°C,

wherein said DNA has promoter functions equivalent to those of the
above DNA (a).